

R430-50-11. Rule Interpretation Manual: Child Supervision and Security

This section explains the rules regarding the supervision and security of the children.

Supervision is basic to safety and the prevention of injury and maintaining quality child care. Parents/guardians have a contract with caregivers/teachers to supervise their children. CFOC 4th ed. Standard 2.2.0.1 p.p. 68.

Supervision rules apply to all children in care. This includes the provider's and employees' children younger than 4 years old when those children are with other qualifying children while on the premises, being transported, or participating in offsite activities.

Do Supervision Rules Apply to the Child?

Child's Age	Unrelated Child	Provider's Own Child	Caregiver's Own Child	Other Related Child
Younger than 4 years old	Yes	Yes	Yes	Yes
4 years and older	Yes	No*	No*	Yes

**The supervision rules do not apply to the provider's and caregiver's children who are four years old and older, as long as the provider or caregiver is working at the facility or performing work-related duties.*

Refer to the following guidelines:

- Supervision means having awareness of and responsibility for each child, and being near enough to intervene as needed.
- Any individual who counts in the caregiver-to-child ratio is responsible for the supervision and security of the children.
- It is a lack of supervision if any child is left in the care of an individual younger than 16 years old. Individuals who are 16 or 17 years old may be caregivers, but may not be left alone with a child in care on the premises, in vehicles, or during offsite activities
- All supervision rules apply to the provider's and caregivers' qualifying children while in care at the facility, during transportation, and during offsite activities.
- It is not a lack of supervision if the provider or caregiver gives permission for their own children to leave the premises in the company of another person (including a sibling).

(1) The provider shall ensure that caregivers provide and maintain active supervision of each child, including:

- (a) a caregiver is inside the home when a child in care is inside the home;**
- (b) a caregiver is in the outdoor area when a child younger than five years old is in the outdoor area;**

- (c) caregivers know the number of children in their care at any time; and**
- (d) caregivers' attention is focused on the children and not on caregivers' personal interests.**

Rationale/Explanation

Caregivers/teachers should directly supervise infants, toddlers, and preschoolers by sight and hearing at all times, even when the children are going to sleep, napping or sleeping, are beginning to wake up, or are indoors or outdoors. Children who are presumed to be sleeping might be awake and in need of adult attention. A child's risk-taking behavior must be detected and illness, fear, or other stressful behaviors must be noticed and managed. School-age children should be within sight or hearing at all times. Children are going to be more active in the outdoor learning/play environment and need more supervision rather than less outside. CFOC 4th ed. Standard 2.2.0.1 p.p. 68.

Supervision is basic to safety and the prevention of injury and maintaining quality child care. CFOC 4th ed. Standard 2.2.0.1 p.p. 68.

Regular counting of children (name to face) will alert the staff to begin a search before the child gets too far, into trouble, or slips into an unobserved location. Caregivers/teachers should do the counts before the group leaves an area and when the group enters a new area. The facility should assign and reassign counting responsibility as needed to maintain a counting routine. CFOC 4th ed. Standard 2.2.0.1 p.p. 69.

Compliance Guidelines

- Actively supervising children requires that a caregiver:
 - Knows where each child is at all times.
 - Visually checks (in person) on all awake and sleeping children who are not within the caregiver's sight at least every 15 minutes. (The use of video and audio monitoring or mirrors does not replace personally checking on children.)
 - Maintains awareness of the entire group of children even when interacting with small groups or individual children.
 - Is primarily focused on the children even when performing a personal task (such as visiting with another adult, talking on the phone, text messaging, reading, lesson planning, taking a bathroom break, or performing other tasks unrelated to child care). It is a rule violation, if a personal task, such as texting or talking on a cell phone, interferes with a caregiver's active supervision of the children.
- When supervising the children, a caregiver may not engage in the following types of activities:
 - Napping, including when the children are napping
 - Taking a shower or bath
 - Leaving the home to pick up the mail or for other reasons unrelated to child care
 - Performing the tasks of a secondary business (For example a tax business, a beauty salon, a shop, etc.).
- When the children are indoors, the caregiver may briefly (5 minutes or less) go outside to perform a legitimate child care task. Legitimate child care tasks include:

- Taking trash to an outdoor garbage bin
- Conducting a quick observation to prevent hazards before children's use of the outdoor play area
- Emptying or filling up a wading pool after or before use
- Situating play equipment before children use it

The following guidelines apply to active supervision when children are outdoors:

- A caregiver must be outdoors and positioned in a place where they are able to see each child.
- Children in care may ride bikes outside of the fenced area but still on the provider's property if a caregiver is in the same area with the children. The caregiver cannot be inside a fenced area (even with the gate open) if children are outside of the fenced area.
- When children younger than 5 years old are in the outdoor area, the caregiver may leave them outside and go inside for only two reasons: 1) to help a child use the bathroom if needed, and 2) to administer first aid to an injured child. Leaving the children unsupervised for one of these reasons is allowed on condition that:
 - The caregiver takes the children who are younger than 2 years old with them inside,
 - The outdoor area is completely fenced,
 - There is no other caregiver at the facility who can remain outside with the children, and
 - The children are not left outside for longer than 5 minutes.
- It is out of compliance if children younger than 5 years old are left unsupervised outside while the caregiver answers the door (even for licensing staff).
- When there are two caregivers on the premises, at least one caregiver must be in the outdoor area with the children who are younger than 5 years old while the other caregiver is performing caregiving duties.
- When outside, children age three or older may be sent indoors to use the bathroom without the caregiver, but only one child at a time may be sent in order to prevent multiple children from being inside without supervision and to ensure that the caregiver knows where every child is.

Risk Level

Extreme

Corrective Action for 1st Instance

Citation and CMP

- If lack of supervision results in:
 - A lost child
 - A child being left on an offsite activity
 - A child being left unattended in a vehicle
 - A child is left unsupervised at a pool
 - A child being left at the home without a caregiver

Risk Level

High

Corrective Action for 1st Instance

Citation and CMP Warning when:

- An exterior door is left open without a caregiver in the room allowing children to exit the facility without supervision.
- A caregiver was unable to accurately account for all of the children, including in an emergency evacuation.
- Any child is left in the care of an individual younger than 16 years old. (Individuals who are 16 or 17 years old may be caregivers, but may not be left alone with a child in care on the premises, in vehicles, or during offsite activities).

Risk Level

Moderate

Corrective Action for 1st Instance

Citation Warning otherwise

(2) The provider shall ensure that staff and household members who are 16 or 17 years old only have unsupervised contact with any child in care, including during offsite activities and transportation when:

- (a) the provider or an eligible adult is physically present and available as needed; and**
- (b) they are not volunteers.**

Rationale / Explanation

School-age children should be within sight or hearing at all times. Children like to test their skills and abilities. This is particularly noticeable around playground equipment. Even if the highest safety standards for playground layout, design and surfacing are met, serious injuries can happen if children are left unsupervised. CFOC 4th ed. Standard 2.2.0.1. p.p. 68.

Compliance Guidelines

Although school-age children may be allowed to play outdoors while a caregiver is indoors, they may not be allowed to play indoors when the only caregiver is outdoors.

Risk Level

High

Corrective Action for 1st Instance

Citation and CMP Warning

(3) The provider shall ensure that staff, volunteers, and household members who are younger than 16 years old are not assigned to care for or supervise any child in care.

Compliance Guidelines

- An individual who is assigned to protect the health and safety of children is a caregiver. This includes any individual who is expected to count in the caregiver-to-child ratio, meet the physical or emotional needs of the children, including diapering, toileting, feeding, or protecting them from harm; or supervise children must meet all caregiver requirements listed in Section 7, Rule 9.
- Individuals who are younger than 16 years old are not approved to be caregivers.
 - It is a lack of supervision if a child is left in the care of an individual younger than 16 years old.

- A lack of supervision will be written to the applicable section of Section 11, Rule 1.

- (4) The provider shall ensure that guests do not have unsupervised contact with any child in care, including during offsite activities and transportation.**

Compliance Guidelines

A guest may not be alone in a room or area with any child in care. A caregiver or other employee who is at least 18 years old and has passed a CCL background check must be in the same room or area.

Risk Level

High

Corrective Action for 1st Instance

Citation and CMP Warning

- (5) The provider shall ensure that parents of children in care do not have unsupervised contact with any child in care, except with their own children.**

Compliance Guidelines

If a parent is employed at the child care facility, they must have a background check and meet other personnel requirements as stated in rule.

Risk Level

High

Corrective Action for 1st Instance

Citation and CMP Warning

- (6) The provider may allow school-age children to be outdoors while caregivers are indoors if:**
(a) caregiver can hear the children when children are outdoors; and
(b) the children are in an area completely enclosed within a fence, wall, or solid natural barrier that is at least four feet high.

Rationale / Explanation

School-age children should be within sight or hearing at all times. Children like to test their skills and abilities. This is particularly noticeable around playground equipment. Even if the highest safety standards for playground layout, design and surfacing are met, serious injuries can happen if children are left unsupervised. CFOC 4th ed. Standard 2.2.0.1. p.p. 68.

Compliance Guidelines

Although school-age children may be allowed to play outdoors while a caregiver is indoors, they may not be allowed to play indoors when the only caregiver is outdoors.

Risk Level

High

Corrective Action for 1st Instance

- (7) The provider shall ensure that a caregiver monitors each sleeping infant by:**
(a) placing each infant to sleep within the sight and hearing of a caregiver; or
(b) personally observing each sleeping infant at least once every 15 minutes.

Rationale/Explanation

Caregivers/teachers should directly supervise infants, toddlers, and preschoolers by sight and hearing at all times, even when the children are going to sleep, napping or sleeping, are beginning to wake up, or are indoors or outdoors. CFOC 4th ed. Standard 2.2.0.1. p.p. 68

Safe sleep practices help reduce the risk of sudden unexpected infant deaths (SUIDs). Facilities should develop a written policy describing the practices to be used to promote safe sleep for infants. The policy should explain that these practices aim to reduce the risk of SUIDs, including sudden infant death syndrome (SIDS), suffocation and other deaths that may occur when an infant is in a crib or asleep. About 3,500 SUIDs occurred in the U.S. in 2014. Despite the decrease in deaths attributed to sleeping practices and the decreased frequency of prone (tummy) infant sleep positioning over the past two decades, some caregivers/teachers continue to place infants to sleep in positions or environments that are not safe. Most sleep-related deaths in child care facilities occur in the first day or first week that an infant starts attending a child care program. CFOC 4th ed. Standard 3.1.4.1. p.p. 102-103.

Compliance Guidelines

- When checking on a sleeping infant, the caregiver must:
 - Ensure the child is breathing.
 - Remove and/or correct any potential hazards to ensure the child's safety, such as adjusting a blanket from covering an infant's head.
- A caregiver may use an enclosed porta-crib as long as the porta-crib window and top remain open so that the child can be visually checked.
- Monitors may be used in addition to supervising children but do not replace the requirement to personally observe each sleeping infant every 15 minutes.

Risk Level

High

Corrective Action for 1st Instance

Citation and CMP Warning

- (8) The provider may allow a child to participate in supervised offsite activities without a caregiver if:**
(a) the provider has prior written permission from the child's parent for the child's participation; and
(b) the provider has clearly assigned the responsibility for the child's whereabouts and supervision to a responsible adult who accepts that responsibility throughout the

period of the offsite activity.

Rationale/Explanation

School-age children should be permitted to participate in activities off the premises with appropriate adult supervision and with written approval by a parent/guardian and by the caregiver. If parents/guardians give written permission for the school-age child to participate in off-premises activities, the facility would no longer be responsible for the child during the off-premises activity and not need to provide staff for the off-premises activity. CFOC 4th ed. Standard 2.2.0.1. p.p. 68-69.

Compliance Guidelines

- To be in compliance with this rule, the provider must have the parent's prior written permission that includes:
 - A description of the specific offsite activity in which the child may participate.
 - The specific days and times when the child may participate in the offsite activity.
 - The name of the adult who will be responsible for and supervise the child while offsite.
 - A statement releasing the provider from liability while the child participates in an offsite activity.
- Examples of supervised offsite activities include music lessons, dance lessons, sports practices or playing at a friend's house.

Risk Level

High

Corrective Action for 1st Instance

Citation and CMP Warning when:

- The provider allows a child to leave without parental permission.
- The provider did not assign responsibility for the child to a responsible adult.

(9) The provider shall ensure that parents have access to their child and the areas used to care for their child when their child is in care.

Rationale/Explanation

Requiring unrestricted access of parents/guardians to their children is essential to preventing the abuse and neglect of children in child care. When access is restricted, areas observable by the parents/guardians may not reflect the care the children actually receive. CFOC 4th ed. Standard 2.3.1.2 p.p. 81-82.

Compliance Guidelines

- If the facility's doors are locked for security reasons, the provider must have a way to allow authorized parents to enter in a timely manner.
- Although not required by CCL, a common way of securing a child care facility while allowing immediate access to parents include:
 - Using a keypad system in which parents can enter a code or use a fingerprint.

Risk Level

Moderate

Corrective Action for 1st Instance

Citation Warning

- (10) To maintain security and supervision of children, the provider shall ensure that:**
- (a) each child is signed in and out;**
 - (b) only parents or individuals with written authorization from the parent may sign-out a child;**
 - (c) photo identification is required if the individual signing the child out is unknown to the provider;**
 - (d) individuals signing children in and out use identifiers, such as a signature, initials, or electronic code;**
 - (e) the sign-in and sign-out records include the date and time each child arrives and leaves; and**
 - (f) there is written permission from the child's parent if school-age children sign themselves in or out.**

Rationale/Explanation

The facility should have a sign-in/sign-out system to track who enters and exits the facility. This system helps to maintain a secure environment for children and staff. It also provides a means to contact visitors if needed (such as a disease outbreak) or to ensure all individuals in the building are evacuated in case of an emergency. CFOC 4th ed. Standard 9.2.4.7 p.p. 400.

Releasing a child into the care of an unauthorized person may put the child at risk. If the caregiver/teacher does not know the person, it is the caregiver's/teacher's responsibility to verify that the person picking up the child is authorized to do so. This requires checking the written authorization in the child's file and verifying the identity of the person. CFOC 4th ed. Standard 9.2.4.8 p.p. 400-401.

Accurate record keeping also aids in tracking the amount (and date) of service for reimbursement and allows for documentation in the event of child abuse allegations or legal action involving the facility CFOC 4th ed. Standard 9.2.4.10 p.p. 401-402.

Compliance Guidelines

- There must be a separate signature for each time a child is signed in and for each time a child is signed out.
- Rule requires that anyone signing a child out of child care has the parent's written authorization. This authorization is not required when signing a child into the child care facility.
- The person signing a child out must use their own signature or identifier, not the signature of the parent.
- The provider may accept an electronic permission statement (such as an email or text message) from the parent for an individual to sign out their child as long as the caregiver can confirm the sender's identity.

- An electronic computer system that uses an identification code to sign children in and out meets the intent of this rule.
- A caregiver may release a child to a person younger than 18 years old as long as the person has written authorization from the child's parent to sign the child out.
- Providers and employees must sign in and out their own qualifying children who are in care.

Risk Level

High

Corrective Action for 1st Instance

Citation and CMP Warning when:

- An unauthorized person is allowed to take a child from the facility.
- The provider allows a school-age child to sign out of child care without having permission from the parent.

Risk Level

Low

Corrective Action for 1st Instance

Warning otherwise

- (11) In an emergency, the provider shall accept the parent's verbal authorization to release a child when the caregiver can confirm the identity of:**
- (a) the individual giving verbal authorization, and**
 - (b) the individual picking up the child.**

Rationale/Explanation

If there is an extenuating circumstance (e.g., the parent/ guardian or other authorized person is not able to pick up the child), another individual may pick up a child from child care if they are authorized to do so by the parent/guardian in authenticated communication such as a witnessed phone conversation in which the caller provides pre-specified identifying information or writing with pre-specified identifying information. The telephone authorization should be confirmed by a return call to the parents/guardians. The facility should establish a mechanism for identifying a person for whom the parents/guardians have given the facility prior written authorization to pick up their child, such as requiring photo ID or including a photo of each authorized person in the child's file. CFOC 4th ed. Standard 9.2.4.8 p.p. 400-401.

Compliance Guidelines

In an emergency, a parent may use an electronic means (such as a phone call) as authorization to release their child as long as the caregiver can confirm the sender's identity.

Risk Level

High

Corrective Action for 1st Instance

Citation and CMP Warning